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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/151,885	09/11/1998	JAMES C. COSTIN	98-WL-1	8455

27162 7590 05/17/2004

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 ROSELAND, NJ 07068

EXAMINER

WHITE, EVERETT NMN

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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05132004

DATE MAILED:

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Commissioner for Patents

***Response to Amendment***

The reply filed on January 30, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted Claims 36-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly submitted claims are directed to a method for reducing the adherence of antibiotic-resistant microorganisms to epithelia cells, which involve the treatment of a different group of microorganisms than what was set forth in the previously filed Claims 18-35. Previously filed Claims 18-35 set forth treatment of *staphylococcus saprophyticus*, buccal and vaginal isolates of *candida albicans* blastospores, urine isolates of *escherichia coli*, and oral isolates of *candida albicans*, which are a different class of microorganisms than what is set forth in Claims 36-47, which include vancomycin-resistant *enterococci*, vancomycin-intermediate susceptible *staphylococcus aureus*, and methicillin-resistant *staphylococcus aureus*.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, the search required for the previously filed Claims 18-35 is not required for the newly submitted Claims 36-47, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 36-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 1623

***Examiner's Telephone Number, Fax Number, and Other Information***

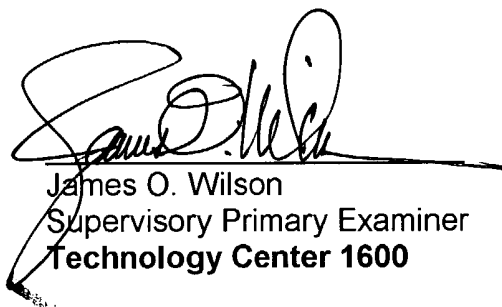
For 24 hour access to patent application information 7 days per week, or for filing applications, please visit our website at [www.uspto.gov](http://www.uspto.gov) and click on the button "Patent Electronic Business Center" for more information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is (571) 272-0660. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached on (571) 272-0661. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

  
E. White

  
James O. Wilson  
Supervisory Primary Examiner  
Technology Center 1600